

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MOUNTAIN UTILITIES, INC.

COMPLAINANT

vs.

EQUITABLE GAS COMPANY

DEFENDANT

CASE NO. 91-316

O R D E R

Mountain Utilities, Inc. ("Mountain") has petitioned for rehearing on the April 6, 1992 Order wherein the Commission dismissed Mountain's Complaint for failure to state a prima facie case. Mountain alleges that the Commission has "misconstrued the central issue of this case."

Mountain contends that its action is "based upon the legal utility permitted to serve customers Burchette (sic) and Brown." It contends that Equitable Gas Company does not hold a Certificate of Public Convenience and Necessity to serve Burchett and Brown nor is it qualified to serve them under KRS 278.485.


After considering Mountain's petition and being otherwise sufficiently advised, the Commission finds that Mountain's petition should be denied. As the Commission stated in its April 6, 1992 Order, a certificate does not establish an exclusive service territory for an applicant utility nor does it specify who may or may not be served. The theory which Mountain is pursuing and the

facts alleged in its complaint simply do not establish a prima facie case.

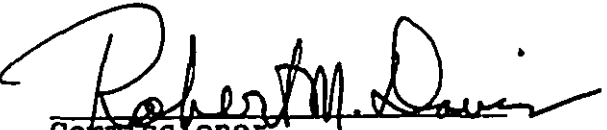
IT IS THEREFORE ORDERED that Mountain's petition for rehearing is denied.

Done at Frankfort, Kentucky, this 14th day of May, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director